

**COX, WOOTTON, GRIFFIN,
HANSEN & POULOS LLP**
Rupert P. Hansen (SBN 082302)
rhansen@cwghp.com
Courtney M. Crawford (SBN 242567)
ccrawford@cwghp.com
190 The Embarcadero
San Francisco, CA 94105
Telephone No.: 415-438-4600
Facsimile No.: 415-438-4601

Attorneys for Defendant
KEYBANK, N.A.

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF CALIFORNIA**

JEFFREY A. NEEDELMAN,) Case No.: 08 CV 00442 L RBB
Plaintiff,) Hon. M. James Lorenz
vs.)
PENNSYLVANIA HIGHER EDUCATION)
ASSISTANCE AUTHORITY dba) [Notice of Motion and Motion to
AMERICAN EDUCATION SERVICES,) Dismiss; Memorandum of Points and
KEYBANK, N.A.; AND EDUCATION) Authorities in Support filed concurrently
CREDIT MANAGEMENT SERVICES,) herewith]
Defendants.) Date: June 30, 2008
Time: 10:30 a.m.
Place: Courtroom 14

Pursuant to Federal Rule of Evidence 201, Defendant KeyBank, N.A. (“KEYBANK”) requests that the Court take judicial notice of the following:

1. The Voluntary Petition for Chapter 13 Bankruptcy filed by Plaintiff Jeffrey A. Needelman (“Plaintiff”) in the United States District Court for the Southern District of California, Case Number 01-12461-H13, on December 6, 2001 (a true and correct copy of which is appended hereto as **Exhibit 1**);
2. The Chapter 13 Plan filed by Plaintiff in the United States District Court for

COX, WOOTTON,
GRIFFIN, HANSEN
& POULOS LLP

190 THE EMBARCADERO
SAN FRANCISCO, CA
94105
TEL 415-438-4600
FAX 415-438-4601

KEY.Needleman/2602

1 the Southern District of California, Case Number 01-12461-H13, on
 2 December 6, 2001(a true and correct copy of which is appended hereto as
 3 **Exhibit 2);**

4 3. The Order and Notice for Meeting of Creditors To Be Held on January 17,
 5 2002 at 3:00p.m. filed in the United States District Court for the Southern
 6 District of California, Case Number 01-12461-H13, on or about December 12,
 7 2001(a true and correct copy of which is appended hereto as **Exhibit 3);**

8 4. The Order Confirming Debtor(s) Plan and Allowing Attorneys Fees filed in
 9 the United States District Court for the Southern District of California, Case
 10 Number 01-12461-H13, on or about January 24, 2002(a true and correct copy
 11 of which is appended hereto as **Exhibit 4);**

12 5. The Discharge of Debtor Order filed in the United States District Court for the
 13 Southern District of California, Case Number 01-12461-H13, on or about May
 14 29, 2007 (a true and correct copy of which is appended hereto as **Exhibit 5);**

15 6. Plaintiff's Complaint For: 1. Declaratory Relief; And 2. Reimbursement, filed
 16 in the United States District Court for the Southern District of California, Case
 17 Number 08 CV U442 L RBB, on or about March 10, 2008 (a true and correct
 18 copy of which is appended hereto as **Exhibit 6).**

19 Dated: May 19, 2008

20 COX, WOOTTON, GRIFFIN,
 21 HANSEN & POULOS, LLP
 22 Attorneys for Defendant
 23 KEYBANK, N.A.

24
 25 By: s/Rupert P. Hansen
 26 Rupert P. Hansen

27 COX, WOOTTON,
 28 GRIFFIN, HANSEN
 & POULOS LLP

190 THE EMBARCADERO
 SAN FRANCISCO, CA
 94103
 TEL 415-438-4600
 FAX 415-438-4601

KEY.Needelman2602